

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA**

UNITED STATES OF AMERICA

Plaintiff,
vs.

ELISABETH ANNE COLE,

Defendant.

3:03-cr-00165-JKS-JDR

FIRST AND FINAL
RECOMMENDATION ON NOTICE
AND MOTIONS REGARDING
EARLY TERMINATION OF
PROBATION
(Documents 261, 262 & 263)

Defendant Elisabeth Cole petitions the court for release from her probation on grounds that she has paid restitution ordered by the court in the amount of \$32,879.96 and special assessments in the amount of \$600. Doc. 263. Elisabeth Cole filed a Notice to the court to supplement her motion. Doc. 260. The government filed a Notice Regarding Defendant's Restitution Obligation asking for confirmation of the restitution. Doc. 261. On January 3, 2008, the court referred the motion and notices to a magistrate judge for a report and recommendation. Doc. 264.

A hearing on the matter was postponed several times at the request of the parties. Supervised release expired on February 28, 2008, rendering moot the defendant's motion for early termination of probation.

On March 7, 2008, a hearing on the matter was held before the magistrate judge. The defendant takes the position that restitution has been paid in full. The documentation to that effect needs to come from the State court in a matter that is sealed. Counsel for Elisabeth Cole continues to seek the appropriate documentation to prove that restitution has been made. When that has been provided to the U.S. Attorney's office, then the defendant may move to amend the judgment to reflect that restitution has been paid. No further hearings have been scheduled before the U.S. Magistrate Judge, and the issue regarding restitution remains for defendant Cole to go forward with obtaining proof that restitution has been paid through a settlement with two charities and the Alaska Trust Company. The assessment of \$600 has been paid by the law office of Darryl Jones.

The magistrate judge determines that this report should satisfy the referral of the motion for early termination. Objections are not anticipated, thus no

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final recommendation is contemplated. There are no related matters referred to the magistrate judge which remain pending in the instant case at this time.

DATED this Tenth day of March, 2008, at Anchorage, Alaska.

/s/ John D. Roberts
JOHN D. ROBERTS
United States Magistrate Judge